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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

INK PROJECTS, LLC,

Plaintiff,

v.

RUBEN KASPER, LLC, RUBEN
ESTRELLADO, and MARVIN
ESTRELLADO,

Defendants.

Case No. 2:23-cv-1568-JCM-BNW

**PROPOSED SCHEDULING ORDER AND
JOINT DISCOVERY PLAN**

**SPECIAL SCHEDULING REVIEW
REQUESTED**

Pursuant to the Fed. R. Civ. P. 26(f), and U.S. District Court of Nevada Local Rules (LR or Local Rules) 26-1, Plaintiff INK PROJECTS, LLC ("Perma Blend"), by and through its counsel of record, Akerman LLP, and Defendants RUBEN KASPER, LLC, RUBEN ESTRELLADO, and MARVIN ESTRELLADO (collectively, "Defendants"), by and through their counsel of record, Kemp Jones, LLP, submit the following proposed Scheduling Order and Joint Discovery Plan.

- 1 1. Meeting. Pursuant to Fed. R. Civ. P. 26(f) and LR 26-1(a), meetings were held on
2 December 1, 2023, and February 27, 2024, attended by Andrew P. Gold, Esq., of Akerman
3 LLP, on behalf of Perma Blend and Michael J. Gayan, Esq., of Kemp Jones, LLP, on behalf
4 of Defendants.
- 5 2. Discovery Plan. To date, no discovery has occurred. Within the next few days, the parties
6 will be filing a stipulation to stay discovery pending resolution of Defendants' motions to
7 dismiss based, in part, on Defendants' position that discovery should be stayed pursuant to
8 NRS 41.660(3)(e). If that stipulation is denied, Defendants reserve the right to move for a
9 stay. If the Court declines to stay discovery, the parties jointly propose to the Court the
10 following discovery plan.
 - 11 a. Subject of Discovery. If the Court's rulings on Defendants' motions to dismiss
12 do not dispose of the entire case and discovery becomes necessary, the parties will
13 evaluate the Court's resulting orders to determine their positions on the appropriate
14 scope of discovery. The parties have proposed the remaining comments and
15 deadlines in this joint filing based on the current circumstances. Discovery will be
16 needed on the following: All claims set forth in the Amended Complaint, as well
17 as the defenses and potential counterclaims relevant to this action.
 - 18 b. Discovery Cut-Off Dates. Discovery will take 270 days measured from the date the
19 Court determines discovery shall commence, preferably after the parties' proposed
20 stay expires. For purposes of this proposed plan, the parties have included dates
21 measured from February 29, 2024, which is the date of submission of this proposed
22 plan, due to the open questions of the proposed stay and its expiration date. With
23 that caveat, the discovery cut-off shall be November 25, 2024.
 - 24 c. Fed. R. Civ. P. 26(a)(2) Disclosures (Experts).
 - 25 i. The deadline for initial expert disclosures shall be September 26, 2024,
26 which is 60 days before the close of discovery.
 - 27 ii. The deadline for rebuttal expert disclosures shall be October 28, 2024,
28 which is 32 days after the initial expert disclosures (30 days is a Saturday).

1 3. Other Items.

- 2 a. Initial Disclosures. Perma Blend proposed that the parties shall serve their initial
3 disclosures on or before March 15, 2024. Pursuant to Rule 26(a)(1)(C), Defendants
4 objected to making any initial disclosures at this time due to the anticipated
5 stipulation to stay discovery until after the Court rules on Defendants motions to
6 dismiss. *See supra*, Section 2(a).
- 7 b. Amending the Pleadings and Adding Parties. The deadline to file motions to amend
8 the pleadings or add parties shall be August 27, 2024, which is 90 days before the
9 close of discovery.
- 10 c. Dispositive Motions. The deadline to file dispositive motions shall be January 3,
11 2025, which is 39 days after the close of discovery due to the normal 30-day
12 deadline falling on Christmas Day and the ensuing holidays.
- 13 d. Joint Proposed Pretrial Order. The deadline to file the joint pretrial order shall be
14 February 3, 2025. Pursuant to LR 26-1(b)(5), in the event that dispositive motions
15 are filed, the date for filing the joint pretrial order shall be suspended until thirty
16 days after decision on the dispositive motions or until further order of this Court.
- 17 e. Fed. R. Civ. P. 26(a)(3) Disclosures. The disclosures required by Rule 26(a)(3) and
18 any objections to them must be included in the joint pretrial order in compliance
19 with LR 26-1(b)(6).
- 20 f. Alternate Dispute Resolution. Pursuant to LR 26-1(b)(7), the parties met and
21 conferred about the possibility of using alternate dispute resolution processes,
22 including mediation. The parties believe alternate dispute resolution may be a
23 viable option at this time and are engaged in ongoing settlement discussions,
24 including the possibility of scheduling a mediation.
- 25 g. Alternate Forms of Case Disposition. Pursuant to LR 26-1(b)(8), the parties have
26 considered consenting to the assigned Magistrate Judge under 28 U.S.C. § 636(c)
27 and Rule 73, and the use of the Short Trial Program (General Order 2013-01), but
28 decline to do so at this time.

h. Electronic Evidence. Pursuant to LR 26-1(b)(9), the parties discussed whether they intend to present evidence in electronic format to jurors for the purposes of jury deliberation. The parties do not anticipate discovery issues at this time and do not foresee any issues arising from the disclosure of electronically stored information.

DATED this 29th day of February, 2024.

DATED this 29th day of February, 2024.

KEMP JONES LLP

AKERMAN LLP

By: /s/ Michael Gayan

By: /s/ Nicholas E. Belay

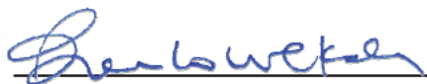
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Attorneys for Defendants

Attorneys for Plaintiff

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE
Case No. 2:23-cv-1568-JCM-BNW

DATED: 3/1/2024